IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8894 OF 2005

Ismail Allabux Shaikh ....Petitioner.

V/s

1. The Divisional Controller
Maharashtra State Road
Transport Corporation and
Ors. ....Respondents.

Mr. S.G. Kudle for the petitioner.
Mr. G.S. Hegde for respondent No.1.

CORAM: V.G. PALSHIKAR &
V.M. KANADE, JJ.

DATE : 13th June, 2006

P.C.:

1. By this Petition, petitioner claims direction to the respondents to release petitioner's retirement benefits including gratuity, provident fund, leave salary etc.

2. Notice as to why the petition should not be admitted was issued and in reply a categorical statement is made that the respondent - Corporation has released the retirement benefits to the petitioner by cheque in the sum of Rs 1,22,300/- on 13/3/2005. In view of this factual position which is not controverted, substantial benefit is already granted to the petitioner.

3. Petitioner also contends that he is liable to be considered for grant of pensionary benefits and there does exist a Pension Scheme with the respondent - Corporation. If that is factually correct, petitioner has to first move the respondent - Corporation for such grant and, thereafter, may seek remedy if any grievance exists.

4. In such circumstances, we do not see any reason to keep this Petition pending. Petition is accordingly disposed of.

(V.G.PALSHIKAR, J.)

(V.M. KANADE, J.)